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Attorneys for Defendants
 Woodbine Alaska Fish Company,
 and Guy Ferrari Inc.

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

CITICAPITAL COMMERCIAL CORP,)
)
 Plaintiff,)
)
 v.)
)
)
)
 EGEGIK SPIRIT, official number 2999957,)
 her equipment, gear, furniture, apparel,)
 fixtures, tackle, boats, machinery, anchors)
 and all appurtenances, in rem;)
)
 NAKNEK SPIRIT, official number 585824,)
 her equipment, gear, furniture, apparel,)
 fixtures, tackle, boats, machinery, anchors)
 and all appurtenances, in rem;)
 WOODBINE ALASKA FISH CO.,)
in personam; and GUY FERRARI, INC,)
in personam.)
)
 Defendants,)
)

Case No. A-04-0147 CI
IN ADMIRALTY

APPLICATION FOR CLERK'S
ENTRY OF DEFAULT

NOW COME defendants Woodbine Alaska Fish Company and Guy Ferrari Inc.,
 and hereby requests a clerk's entry of default pursuant to FRCP 55(a).

1 1. Pursuant to this Court's order on March 28, 2006, Defendants herein filed
2 their First Amended Counterclaim on April 18, 2006 through the Court's ECF/efiling
3 system. Plaintiff was served through the court's electronic filing system and, pursuant to
4 Local Rule 5.3(c)(2), has consented to electronic service.
5

6 2. Plaintiff's responsive pleading was due within 20 days of service of the First
7 Amended Counterclaim. Because service was completed on April 18, 2006, a responsive
8 pleading was due on May 8, 2006.
9

10 3. On May 11, 2006, this Court filed a notice that the time to answer the First
11 Amended Counterclaim has expired, and that counter claimants may apply for default.

12 4. FRCP 55(a) provides:

13 a) Entry. When a party against whom a judgment for affirmative relief is sought has
14 failed to plead or otherwise defend as provided by these rules and that fact is made to
15 appear by affidavit or otherwise, the clerk shall enter the party's default.

16 WHEREFORE, Defendants prays that:

17 1. The Entry of Default be entered by the clerk.

18 Dated: 11 May 2006

BIRNBERG & ASSOCIATES

By: s/Cory Birnberg

Cory A. Birnberg

CORY A. BIRNBERG

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1 Certificate of service

2 The undersigned hereby certifies that on this 11th-day of May 2006, a true and correct copy
3 of Application for Entry of Clerks Default was sent via FACSIMILE and FIRST CLASS
U.S. MAIL to:

4 Mark C. Manning
5 431 West 7th Avenue, Suite 204
6 Anchorage, AK 99501-3583
Facsimile: 907-278-1169

7 BIRNBERG & ASSOCIATES

8 By: s/Cory Birnberg
9 Cory A. Birnberg
10 BIRNBERG & ASSOCIATES
CORY A. BIRNBERG

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